(50)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7263 of 2007

PETITIONER Sanjay Kumar Pandey, s/o Late Shri N.P. Pandey, aged about 33 years, Occupation Assistant Teacher, Government Middle School, Barnarakala, Dongergarh, District Rajnandgaon(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary, Department of School Education D.K.S.Building, Mantralaya, Raipur (C.G.)
2. Special Secretary, Department of Scholl Education, Government of Chhattisgarh, DKS Building, Mantralaya, Raipur(CG)
3. Collector, Rajnandgaon(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Varunendra Mishra, counsel for the petitioner.

Shri A.S.Kachhawaha, G.A. for the State/ respondents on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Middle School, Barnarakala, Block Dongargaon, District Rajnandgaon to Middle School, Thakur Tola, District Rajnandgaon on administrative grounds.

Learned counsel for the petitioner argues that on 7.7.2006, the petitioner was transferred from Kalyanpur to Barnarakala and thereafter, by another order dated 20.7.2007, he was transferred from Barnarakala to Bortalab, but the said order was not complied and ultimately, the impugned order dated 21.9.2007 has been issued, by which, the petitioner has been transferred from Barnarakala to Thakur Tola, District Rajnandgaon. He submits that the matter appears to be of frequent transfers.

The petitioner was transferred on 7.7.2006 from Kalyanpur to Barnarakala and now by impugned order dated 21.9.2007; he has been transferred from Barnarakala to Thakur Tola. It has been shown in the order that the petitioner has been transferred on administrative grounds. Therefore, it is clear that in fact, the petitioner was transferred for 2 times in between 7.7.2006 and 21.9.2007, as the second transfer order was not executed.

I do not feel that the action can be said to be a very frequent action on the part of the Government so as to make the order malafide.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or the Act, it cannot be interfered with by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, or extraneous considerations or that the order has been passed against any Statutory Rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on these grounds.

The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

sumita